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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/061,997	02/01/2002	Bryan Scott	Scott.00002	9135

7590 08/02/2004

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EXAMINER

MYERS, PAUL R

ART UNIT PAPER NUMBER

2112

DATE MAILED: 08/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/061,997

Applicant(s)

SCOTT ET AL.

Examiner

Paul R. Myers

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: Items 200 and 218 in figure 2 are not referred to in the specification. Corrected drawing sheets, or amendment to the specification to add the reference character(s) in the description, are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The disclosure is objected to because of the following informalities: The acronym "IDS" should be defined upon its first use. Page 3 lines 16. For example "intelligent docking station (IDS)".

Appropriate correction is required.

Double Patenting

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or

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improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

4. Claims 1-20 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-20 of copending Application No. 10/051,264, claims 1-20 of copending Application No. 10/053,433, Claims 1-20 of copending Application No. 10/093,779, and claims 1-9 of copending Application No. 10/093,921. Although the conflicting claims are not identical, they are not patentably distinct from each other because They claim the same thing just using different words and in different order.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for

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patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-3, 5-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Roslak et al PN 2003/0120849.

In regards to claims 1, 12: Roslak et al teaches a method of transferring a data element from/to a device (71 or alternatively 72 or 22 or 46 or the "accessory" Paragraph 25) to a handheld computer (10), the method comprising: receiving a device-enabled data element at an intelligent docking station enabled co-processor (70 or alternatively 42 or 17); performing a driver conversion to convert the device-enabled data element into a bus-enabled data element (The device sends its device enabled data to the co-processor (Paragraph 25 see also paragraph 27)); and placing the bus-enabled data element on a handheld compatible bus (Paragraph 25 and 27 USB bus).

In regards to claim 2: Roslak et al teaches receiving the bus-enabled data element, and converting the bus-enabled data element into a handheld data element (Paragraph 24 and 25).

In regards to claim 3: Roslak et al teaches the connection being USB which is plug and play.

In regards to claim 5: Roslak et al teaches the device being a network interface card (Wireless LAN Figures 9-11).

In regards to claim 6: Roslak et al teaches receiving the device data elements at a low level device driver (this is inherent in a wireless LAN radio see paragraph 24).

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In regards to claims 7 and 15: Roslak et al teaches transferring the data element from the low level device driver to a top level device driver (From the WLAN to the USB driver of the PDA).

In regards to claims 8 and 16: Roslak et al teaches using a communications driver. (the USB driver).

In regards to claim 9: Roslak et al teaches receiving the bus enabled data element at the handheld device (figure 9 item 13).

In regards to claim 10: Roslak et al teaches transferring the bus enabled data element to a communications driver (28) which converts the bus-enabled data into handheld enabled data.

In regards to claim 11: Roslak et al teaches sending the handheld data element to an operating system within the handheld device (inherent).

In regards to claim 13: Roslak et al teaches placing the data on an output (13).

In regards to claim 14: Roslak et al teaches the device being a monitor (Figure 1 and 11).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Roslak et al PN 2003/0120849 in view of Olodort et al PN 6,734,809.

In regards to claim 4: Roslak et al teaches the data transmission described above. Roslak et al also shows an Item in figure 11 that appears to be a keyboard however, Roslak et al's specification is silent as to whether it is a keyboard or not. Roslak et al does teach the external device being an "accessory" however is silent as to what the accessory is. Olodort et al teaches a full sized keyboard attached to a PDA (Figure 1). It would have been obvious to use a keyboard as one of the accessories of Roslak et al because this would have allowed for a full sized QWERTY keyboard which is easier to use than a standard PDA keypad.

9. Claims 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roslak et al PN 2003/0120849 in view of Chen PN 6,744,740.

In regards to claims 17, 19-20: Roslak teaches a PDA capable of being docked to an intelligent docking station (Fig. 9) with a wireless receiver (Fig. 9, element 72) that accesses a network and uses drivers to convert and transfer data from the docking station to the PDA. Roslak also discloses using a coprocessor for processing data from WLAN (Fig. 9, element 70). Roslak does not disclose expressly the technical details into communication between the network and the PDA on a data structure level, e.g., packetizing data that is transmitted and received from the wireless network. Chen discloses the data structure of the wireless data being in the form of a packet (Fig. 2), comprising a packet ID (Fig. 2, parent logic 1D) and a packet type. Roslak and Chen are analogous art because they are from the same field of endeavor in reception and processing of wireless data where the device is a handheld device. At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the packet data structure described by Chen for the PDA device and docking station and therefore requiring conversion to

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a compatible format for the PDA. The suggestion/motivation for doing so would have been to be compatible with the optimal wireless configuration described by Chen, particularly dealing with self-organizing networks (column 2, lines 51-63). Furthermore, the majority of network communications use packet-based communications, e.g., TCP/IP protocol. Therefore, it would have been obvious to combine Roslak with Chen for the benefit of optimal wireless configuration.

In regards to claim 18, Roslak further discloses using USB, which uses plug and play that enables automatic detection of a device connect.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul R. Myers whose telephone number is 703 305 9656. The examiner can normally be reached on Mon-Thur 6:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Rinehart can be reached on 703 305 4815. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



PRM
July 22, 2004

PAUL R. MYERS
PRIMARY EXAMINER